

## Federal Trade Commission

## § 307.7

shall be deemed to be in a conspicuous and prominent place if it appears at least once in its entirety on any part of the package that is not crimped or seamed.

(b) The label statement required by the Act and these regulations must also be in a conspicuous format and in a conspicuous and legible type in contrast with all other printed material on the package. The required warning statement shall be deemed to be in a conspicuous format if it appears in two to four lines that are parallel to each other as well as to the base of the package. However, in the case of a cylindrical package with a diameter of 1 and  $\frac{3}{4}$  inches or less the required warning statement need not be parallel with the base of the package to be deemed to be in a conspicuous format. In the case of all packages the required warning statement shall be deemed to be in a conspicuous format if it is separated in every direction from other written or graphic matter on the label by the equivalent of at least twice the point size of the type in which the warning is printed or if it is the only written matter on the surface of the package. The required warning statement shall be deemed to be in a conspicuous and legible type if it appears in all capitals in Univers 57 normal or an equivalent type style. For example, in the case of the following types of packages with the specified capacity, the following type sizes shall be deemed to be conspicuous and legible.

1 and  $\frac{1}{2}$  ounce snuff can—Seven point type

2 to 4 ounce pouch or plug of chewing tobacco—Eight point type, provided that if the warning statement is printed in one line, it will be deemed to be conspicuous and legible in eleven point type

Can roll consisting of cans wrapped for sale as a single unit—Twelve point type, provided that, if the warning statements on the individual cans are completely visible no warning statement is required on the outer wrapping

Dispenser of individual packages of smokeless tobacco that may be purchased in its entirety—Twelve point type

The required warning statement shall be deemed to be in contrast with all other printed material on the package if it is printed in a color (including black and white) that is clearly visible

against the background on which the warning appears.

### ADVERTISING DISCLOSURES

#### § 307.7 Requirements for disclosure in print advertising.

(a) In the case of print advertisements for smokeless tobacco, including but not limited to, advertisements in newspapers, magazines, or other periodicals; point-of-sale promotional materials; non-point of sale promotional materials such as leaflets, pamphlets, coupons, direct mail circulars, or paperback book inserts; and posters and placards (other than outdoor billboard advertising), the warning statement required by the Act and these regulations must be in a conspicuous and prominent location, in conspicuous and legible type in contrast with all other printed material in the advertisement and must appear in capital letters in a circle and arrow format. A conspicuous and prominent location is anywhere within the trim area other than the margin in the case of an advertisement in a newspaper, magazine, or other periodical, and in all cases is not immediately next to other written matter or to any circular designs, elements, or similar geometric forms (other than a picture of a smokeless tobacco package such as a cylindrical snuff can). A circle and arrow will not be deemed to be conspicuous and prominent if it is included as an integral part of a specific design or illustration, such as a picture of the package, in the advertisement, unless at least 80 percent of the area of the advertisement is taken up by a picture of the package.

(b) The advertising warning statements required by the Act and these regulations must be in conspicuous and legible type in contrast with all other printed material in the advertisement and must appear in all capital letters in a circle and arrow format. The proportions of the circle and arrow shall be deemed to be conspicuous if they are such that the base of the arrow is equal to  $\frac{3}{4}$  of the diameter of the circle; the neck of the arrow is equal to  $\frac{1}{8}$  of the diameter of the circle; the widest part of the head of the arrow is equal to the diameter of the circle; the tip of the arrow is centered at a point equal to  $\frac{3}{4}$

**§ 307.7**

**16 CFR Ch. I (1–1–05 Edition)**

of the diameter from the lowest point of the circle; and the distance between the tip of the arrow and the base of the arrow is equal to  $\frac{3}{8}$  of the diameter of the circle. The statements shall be deemed to be conspicuous if they are parallel to the foot of the advertisement and centered in the circle, and the word "WARNING" followed by a colon appears in the neck of the arrow.

(c) The required warning statement shall be deemed to be conspicuous if it is printed in all capitals in Univers 57 normal or an equivalent type style and:

(1) The rule and the statement are printed in a color (including black and white) that is clearly visible against the background upon which they appear; and

(2) The background field within the circle and arrow is clearly visible against the background of the advertisement; and

(3) The warning has the following minimum outside dimensions in relation to the size of the advertisement.

**1***Display Area: Up to 15 square inches**Circle Diameter: 1/2"**Rule Width: 1 point**Type Size: 4 1/2 point, set solid**Type Style: Univers 57***2***Display Area: 15 to 65 square inches**Circle Diameter: 1"**Rule Width: 1 1/2 point**Type Size: 8 point, set solid**Type Style: Univers 57***3***Display Area: 65 to 110 square inches**Circle Diameter: 1 1/4"**Rule Width: 2 point**Type Size: 10 point, set solid**Type Style: Univers 57***4***Display Area: 110 to 180 square inches**Circle Diameter: 1 1/2"**Rule Width: 2 1/2 point**Type Size: 12 point, set solid**Type Style: Univers 57***5***Display Area: 180 to 360 square inches**Circle Diameter: 1 3/4"**Rule Width: 2 1/2 point**Type Size: 14 point, set solid**Type Style: Univers 57***6***Display Area: 360 to 470 square inches**Circle Diameter: 2"**Rule Width: 2 1/2 point**Type Size: 16 point, set solid**Type Style: Univers 57***7***Display Area: 470 to 720 square inches**Circle Diameter: 3 1/4"**Rule Width: 3 1/2 point**Type Size: 27 point, set solid**Type Style: Univers 57***8***Display Area: 5 to 10 square feet**Circle Diameter: 3 3/4"**Rule Width: 3 1/2 point**Type Size: 30 point, set solid**Type Style: Univers 57***9***Display Area: 10 to 20 square feet**Circle Diameter: 6"**Rule Width: 3 1/2 point**Type Size: 48 point, set solid**Type Style: Univers 57***10***Display Area: 20 to 30 square feet**Circle Diameter: 7"**Rule Width: 7 point**Type Size: 58 point, set solid**Type Style: Univers 57***11***Display Area: 30 to 40 square feet**Circle Diameter: 8 3/4"**Rule Width: 9 point**Type Size: 72 point, set solid**Type Style: Univers 57***12***Display Area: 40 to 80 square feet**Circle Diameter: 11 3/4"**Rule Width: 12 point**Type Size: 96 point, set solid**Type Style: Univers 57***13***Display Area: Over 80 square feet**Circle Diameter: 1' 4 3/4"**Rule Width: 14 point**Type Size: 1 7/16" cap height, set solid**Type Style: Univers 57*

A warning printed in black in a circle with a black rule and a white interior background shall be deemed a clearly visible color against a clearly visible background, except that any such black on white warning that appears

against a uniform white background in an advertisement shall be deemed to be conspicuous only if it meets the size requirements of §307.7(d) of this section.

(d) As an alternative to the format specified in §307.7(c), the required

**§ 307.7**

**16 CFR Ch. I (1–1–05 Edition)**

warning statement shall be deemed to be conspicuous if it is printed in all capitals in Univers 67 normal or an equivalent type style and

(1) The rule that forms the circle and arrow and the required statement are printed in a color (including black and white) that is clearly visible against

the background upon which they appear,

(2) The background of the circle and arrow is a uniform color, and

(3) The warning has the following minimum outside dimensions in relation to the size of the advertisement.

**1***Display Area: Up to 15 square inches**Circle Diameter: 5/8"**Rule Width: 1 point**Type Size: 5 point, set solid**Type Style: Univers 67***2***Display Area: 15 to 65 square inches**Circle Diameter: 1 1/4"**Rule Width: 2 point**Type Size: 10 point, set solid**Type Style: Univers 67***3***Display Area: 65 to 110 square inches**Circle Diameter: 1 5/8"**Rule Width: 2 1/2 point**Type Size: 12 point, set solid**Type Style: Univers 67***4***Display Area: 110 to 180 square inches**Circle Diameter: 2"**Rule Width: 3 point**Type Size: 15 point, set solid**Type Style: Univers 67***5***Display Area: 180 to 360 square inches**Circle Diameter: 2 1/4"**Rule Width: 3 point**Type Size: 17 point, set solid**Type Style: Univers 67***6***Display Area: 360 to 470 square inches**Circle Diameter: 2 5/8"**Rule Width: 3 point**Type Size: 20 point, set solid**Type Style: Univers 67***7***Display Area: 470 to 720 square inches**Circle Diameter: 4 1/4"**Rule Width: 4 point**Type Size: 34 point, set solid**Type Style: Univers 67***8***Display Area: 5 to 10 square feet**Circle Diameter: 4 7/8"**Rule Width: 4 point**Type Size: 36 point, set solid**Type Style: Univers 67***9***Display Area: 10 to 20 square feet**Circle Diameter: 7 3/4"**Rule Width: 6 point**Type Size: 57 point, set solid**Type Style: Univers 67***10***Display Area: 20 to 30 square feet**Circle diameter: 9 1/8"**Rule Width: 9 point**Type Size: 76 point, set solid**Type Style: Univers 67***11***Display Area: 30 to 40 square feet**Circle Diameter: 11 3/8"**Rule Width: 11 point**Type Size: 94 point, set solid**Type Style: Univers 67***12***Display Area: 40 to 80 square feet**Circle Diameter: 15 1/4"**Rule Width: 15 point**Type Size: 1 5/16" cap height, set solid**Type Style: Univers 67***13***Display Area: Over 80 square feet**Circle Diameter: 1'9 3/4"**Rule Width: 17 point**Type Size: 1 13/16" cap height, set solid**Type Style: Univers 67*

(e) An advertisement in a newspaper, magazine, or other periodical that occupies more than one page shall not be required to have more than one warn-

ing statement, but the dimensions of the circle and arrow shall be determined by the aggregate area of the entire advertisement, and the warning

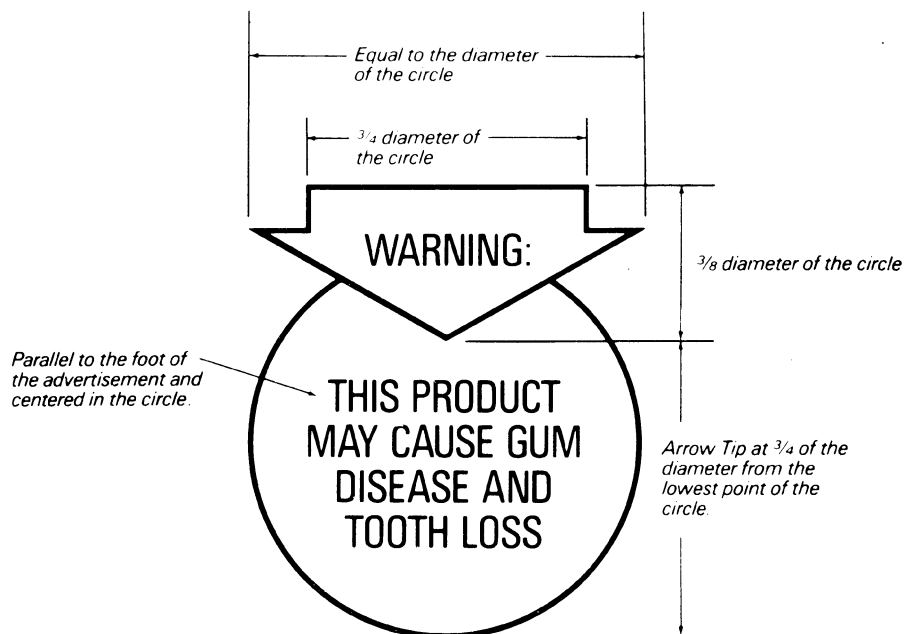
§ 307.8

16 CFR Ch. I (1-1-05 Edition)

statement shall appear on the page that contains most of the advertisement. Point-of-sale and non-point of sale promotional materials of more than one page in length shall not be required to have more than one warning statement, and the dimensions of the circle and arrow shall be determined by

the size of the advertisement on the page on which most of the advertisement appears. Warning statements in circles and arrows that meet the specifications of this section and conform to the following diagram shall be deemed to be in a conspicuous format.

### *How to Conform to the Rule*



**§ 307.8 Requirements for disclosure in audiovisual and audio advertising.**

In the case of advertisements for smokeless tobacco on videotapes, cassettes, or discs; promotional films or filmstrips; and promotional audiotapes or other types of sound recordings, the warning statement required by the Act and these regulations must be conspicuous and prominent. If the adver-

tisement has a visual component, the warning statement shall be deemed to be conspicuous and prominent if it is superimposed on the screen in a circle and arrow format at the end of the advertisement for a length of time and in graphics so that it is easily legible. If the advertisement has an audio component, the warning statement shall be